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AT DANVILLE, VA
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JUL 27 2006
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JAMES W. CARTER,
Petitioner,
v.
GENE M. JOHNSON,
Respondent.

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Civil Action No. 7:06CV00289
FINAL ORDER
By: Hon. Jackson L. Kiser
United States District Judge

For the reasons stated in the accompanying memorandum opinion, it is now

ORDERED

as follows:

1. The respondent's motion to dismiss shall be and hereby is **GRANTED**;
2. All other pending motions are **DENIED** as moot; and
3. This action shall be **STRICKEN** from the active docket of the court.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to the petitioner and all counsel of record.

ENTER: This 27th day of July, 2006.

Jackson L. Kiser
Senior United States District Judge